

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/677,273
Attorney Docket No.: Q77862

REMARKS

Claims 1-9 are all the claims pending in the application. By this Amendment, Applicant amends claim 1 to further clarify the invention and claim 4 for conformity therewith. Applicant also adds claim 9, which is clearly supported throughout the specification.

I. Preliminary Matters

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and for indicating receipt of the certified copy of the priority document. Applicant also thanks the Examiner for returning the initialed form PTO/SB/08 submitted with the Information Disclosure Statement filed on January 30, 2004.

II. Summary of the Office Action and Statement of Substance of Interview

Claims 1-8 presently stand rejected. Specifically, claim 1 is rejected under 35 U.S.C. § 112, second paragraph and claims 1-8 are rejected under 35 U.S.C. § 103(a).

With respect to status of claims 3-8, Applicant contacted the Examiner as to the status of these claims. The interview was administrative in nature. That is, Applicant called the Examiner because the Office Action contained a mistake on page 5, item 7. The Examiner indicated that the heading in item 7 should read claims 2-8 as opposed to claim 2. Accordingly, claims 1-8 are rejected under 35 U.S.C. § 103. No substantive matters were discussed during the Interview.

III. Claim Rejection under 35 U.S.C. § 112

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph. Applicant respectfully thanks the Examiner for pointing out, with particularity, the aspects of the claim

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thought to be indefinite. Applicant respectfully requests the Examiner to withdraw this rejection in view of the self-explanatory claim amendment being made herein.

IV. Claim Rejections under 35 U.S.C. § 103

Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0147532 to Hakkarainen et al. (hereafter “Hakkarainen”) in view of U.S. Publication No. 2003/0067873 to Fuhrmann et al. (hereafter “Fuhrmann”). Applicant respectfully traverses these grounds of rejection in view of the following comments.

The Examiner contends that Hakkarainen discloses the unique features of claim 1 except for the time interval with a time tolerance. The Examiner, however, further contends that Fuhrmann cures this deficiency of Hakkarainen (*see* pages 2-5 of the Office Action). Applicant respectfully disagrees.

Hakkarainen describes a system and a method to broadcast services messages to various users whose access is controlled by encrypting/decrypting keys. In Hakkarainen, one decrypting information is assigned per service. Hakkarainen further describes the transmission during micro-periods of a synchronized sequence of packets corresponding to messages related to one same service for one dedicated user (*see* Abstract and ¶¶ 2-5, and 17).

As is visible from above, Hakkarainen is non analogous art. In order to rely on a reference as a basis for rejection of an applicant’s invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. MPEP 2141.01(a). In the present case, Hakkarainen relates to providing a controlled access with privacy in a message broadcast system to various

users. That is, Hakkarainen is unrelated to a secure method of exchanging information messages which, in the course of successive unidirectional exchanges of information messages between a sending platform and a receiving platform ensures that the last message picked up by the receiving platform corresponds to the last message sent by the sending platform, in order to be able to validate correct updating of the information message at the receiving platform. In short, Hakkarainen is non analogous art.

In addition, both Hakkarainen and Fuhrmann do not disclose or suggest “each message M_n being coded by means of a dynamic code C_n specific to said date t_n of sending said message... said messages received by said receiving platform are processed as a function of their reception date t_r based on a clock specific to said receiving platform so that said messages received in an observation time window F_n containing t_n with a width of T_F are decoded using a decoding sequence DC_n adapted to decode said dynamic code C_n , said clock of said receiving platform being synchronized to said date t_1 on receiving said first message M_1 ,” as set forth in claim 1. The Examiner alleges that ¶ 38 of Hakkarainen disclose this quoted features of claim 1 (*see* page 4 of the Office Action). Applicant respectfully disagrees.

In ¶ 38, Hakkarainen discloses client 12 connecting to the service provider 10 via a bi-directional channel 14 and requests a service. The client 12 then transmits authentication information to the service provider 10 via the bidirectional channel. After successful authentication, client 12 receives the current decryption information (*e.g.*, a seed) together with any future decryption information and synchronization information via the bi-directional channel. In Hakkarainen, client 12 then begins receiving the service encrypted with the current

encryption information via the unidirectional channel 16. Client 12 then decrypts the service using the current decryption information (Fig. 7 and ¶ 38).

Hakkarainen, however, does not disclose that each message M_n is coded by means of a dynamic code C_n specific to said date t_n of sending said message. Hakkarainen further does not disclose or suggest processing the received messages so that messages received in an observation time window F_n containing t_n with a width ΔT_F are decoded using a decoding sequence DC_n adapted to decode the dynamic code C_n where the clock of the receiving platform is synchronized to the data t_1 on receiving the first message M_1 .

Fuhrmann does not cure the above-identified deficiencies of Hakkarainen. In particular, even assuming *arguendo* that Fuhrmann describes that messages are sent successively by a sender at given time intervals ΔT with a sending time tolerance, Fuhrmann does not describe that each message M_n is coded by means of a dynamic code C_n specific to said date t_n , of sending said message. That is, Fuhrmann does not disclose or suggest processing of the received messages such that said messages received in an observation time window F_n containing t_n with a width ΔT_F are decoded using a decoding sequence DC_n adapted to decode said dynamic code C_n said clock of said receiving platform being synchronized to said data t_1 on receiving said first message M_1 . In short, Fuhrmann does not cure the above-identified deficiencies of Hakkarainen.

For at least these exemplary reasons, claim 1 is patentable over Hakkarainen in view of Fuhrmann. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1.

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Claims 2-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hakkarainen and Furhrmann in view of U.S. Patent No. 5,420,883 to Swensen et al. (hereafter “Swensen”). Application respectfully traverses these grounds of rejection in view of the following comments.

Claims 2-8 depend on claim 1. Applicant has already demonstrated that the combined teachings of Hakkarainen and Furhrmann do not meet all the requirements of independent claim 1. Swensen fails to cure the deficient teachings of Hakkarainen and Furhrmann. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since claims 2-8 depend on claim 1, they are patentable at least by virtue of their dependency.

V. New Claim

In order to provide more varied protection, Applicant adds claim 9. Claim 9 is patentable by virtue of its dependency on claim 1 and for additional features set forth therein.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

/Nataliya Dvorson/_____
Nataliya Dvorson
Registration No. 56,616

WASHINGTON OFFICE

23373

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